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REMARKS/ARGUMENTS

Claims 1-20 are pending in this application.

Claim Rejections – 35 U.S.C. 103

The Patent Office rejected Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Schofield et al. ("Schofield", U.S. Patent Number 6,302,545) in view of Lemelson et al. ("Lemelson", U.S. Patent Number 5,983,161). Applicants respectfully traverse these rejections.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also *In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Further, "to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (emphasis added) (MPEP § 2143). If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. (emphasis added) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

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The primary reference, Schofield fails to disclose, teach or suggest a method for providing warning to a user of a system upon detection of a warning condition, comprising:

    (a) capturing an image of at least a portion of a system;

    (b) processing the captured image in real time for determining if the warning condition exists; and

    (c) providing a warning to the user when the warning condition is determined to exist

as claimed in claim 1.

Similarly, Schofield fails to disclose teach or suggest an apparatus for providing warnings to a user of a system upon detection a warning condition within the system, comprising:

    (a) at least one image capture device for monitoring at least a portion of the system, said image capture device being capable of capturing an image of the portion of the system being monitored;

    (b) an image processing assembly for processing the image captured by the image capture device; and

    (c) a warning device for providing a warning to the user;

    (d) wherein the image processing assembly processes the image captured by the image capture device in real time for determining if the warning condition exists and upon determining that the warning condition exist causes the warning device to provide a warning to the user

or

    (a) means for capturing an image of at least a portion of a system;

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(b) means for processing the captured image in real time for determining if the warning condition exists; and

(c) means for providing a warning to the user;

(d) wherein the processing means processes the captured image for determining if a warning to the user is warranted by comparing the captured image to a reference, and upon determining that a warning is warranted cause the warning means to provide a warning to the user

as claimed in Claims 9 and 20, respectively. Instead, Schofield merely teaches a vehicle control system and method for capturing an image of a front seat of the vehicle and outputting the image data collected by the system. The system provides an automatic rearview mirror system that accurately determines light levels that the driver will experience as glare without the need for a separate forward facing sensor. Schofield also discloses the system and method which relates to a compartment image data storage system that stores a compartment image, such as the driver image, in the nonvolatile memory for an automotive vehicle. See generally, ABSTRACT, Column 4 lines 51-64, and Column 7 lines 44-55 of Schofield.

In making the rejections of Claims 1, 9 and 20 over Schofield, the Examiner paraphrases the elements of method Claim 9 and cites passages from Schofield as disclosing those elements. However, Applicants respectfully submit that the passages of Schofield cited in rejecting Claims 1, 9 and 20 universally fail to disclose the corresponding claimed elements as asserted by the Examiner. For example, in rejecting Claims 1, 9 and 20, the Examiner states that Schofield discloses the element of "the image processing assembly processes the image captured by the image capture device in real time for determining if the warning condition exist," citing in Column 44, lines 26-50 of Schofield which reads,

> Alternatively, multiple valid image data frames may be stored for a single ignition cycle. This second version of the compartment image data storage system performs exactly as the first description except as follows. After storage of the

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> initial image data frame, the system returns to step S310 and
> the logic circuit 46 generates a random wait state ranging
> from 8 to 15 minutes during which the system stops
> generating image data frames. After the wait state has
> ended, the system proceeds to attempt generate another
> valid image data frame. This cycle of randomly waiting and
> then attempting to generate valid image data frames is
> continued as long as the ignition supplies power to the
> system. This approach is more difficult for thieves to defeat.
> This system may also be configured <u>as a real-time image
> data storage system (e.g., 30 frames per second).</u> Of
> course, since at least several hundred image data frames
> may need to be processed, compressed and stored in the
> nonvolatile memory 57, the processing and nonvolatile
> memory storage requirements are significantly greater than
> for the other image data storage systems described above.
> An initiation sensor, such as accelerometers, motion
> sensors, vibration sensors or any other sensor capable of
> detecting vehicle motion, inputs an initiation signal, and after
> receiving the initiation signal, the light sensing and logic
> circuit 26 generates and stores in real-time the image data
> frames for a predetermined period, such as 10
> seconds.(emphasis added)

Applicants respectfully disagree. The passage of Schofield cited by the
Examiner merely teaches the compartment image data storage system in which
multiple valid image data frames may be stored for a single ignition cycle. The
passage also teaches the real time storage system that stores several hundred
image data frames captured for a predetermined period, for example 30 frames
per second. However Schofield fails to disclose, teach or suggest the elements of
"the image processing assembly <u>processes</u> the image captured by the image
capture device <u>in real time for determining if the warning condition exists</u>."

Applicants respectively submit that the ancillary reference, Lemelson,
does not make up for this defect in Schofield. Lemelson merely discloses various
image processing methods using parallel processing techniques, neural network
techniques, and fuzzy logic implementation (an expert system) to aid a GPS
vehicle collision avoidance system. In Lemelson, the system receives continuous

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GPS ranging signals from a network of satellites for determining one's initial position on a highway.

However, Lemelson fails to disclose, teach, or suggest the element of "the image processing assembly <u>processes</u> the image captured by the image capture device <u>in real time for determining if the warning condition exists</u>."

Accordingly, Schofield or Lemelson, either alone or combination thereof, fails to teach, suggest, or disclose the above discussed element claimed in independent Claims 1, 9 and 20. Thus, independent Claims 1, 9 and 20 are nonobvious under 35 U.S.C. § 103(a). Claims 2-8 depend on Claim 1, Claims 10-19 depend on Claim 9. Claims 2-8 and 10-19 are thus believed to be allowable based on their dependence upon allowable base claims.

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CONCLUSION

In light of the foregoing remarks, Applicants respectfully request a timely Notice of Allowance.

Respectfully Submitted,

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